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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,304	02/14/2001	Klaus Klemm	0732/000031	2458

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EXAMINER

GROSSO, HARRY A

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,304

Applicant(s)

KLEMM, KLAUS

Examiner

Harry A. Grosso

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-7, 14, 15, 18-22, 25, 26 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 14, 15, 18-22, 25, 26 and 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

The objection to the specification has been overcome by the amendment filed February 2, 2006. The objection is withdrawn.

The rejection of claims 2, 3 and 19 under 35U.S.C. 112, second paragraph has been overcome by the amendment filed February 2, 2006. The rejection is withdrawn.

Claim Rejections - 35 USC § 103

1. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp et al (5,373,715). Sharp et al discloses a drum shaped inner container for use in a washing machine (70, Figures 1 and 2, column 4, lines 19-26) with an inner wall (76 at the base of 70) and an outer wall (78) made of plastic. The walls are joined with a shear resistant connection. The cavity between the inner and outer walls contains a filler (90, column 4, lines 62-67).

Sharp et al does not teach the thickness of the inner and outer walls is from 2 to 5 mm but Sharp et al does teach that the inner container has a wall thickness of 4mm or less (claim 24). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the wall thickness from 2 to 5 mm since Sharp teaches the wall thickness of the container in this range and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Sharp et al does not teach the thickness of the cavity from 20 to 150 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the thickness of the cavity from 20 to 150 mm since it has

been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

2. Claims 1, 2, 7, 14, 15, 20, 25, 26, 28 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp et al (5,373,715) in view of Cresham, of record.

Regarding claims 1, 2, 7, 14, 28, 31 and 33, Sharp et al discloses a drum shaped inner container for use in a washing machine (70, Figures 1 and 2, column 4, lines 19-26) with an inner wall (76 at the base of 70) and an outer wall (78) made of plastic. The walls are joined with a shear resistant connection. The cavity between the inner and outer walls contains a filler (90, column 4, lines 62-67). Sharp et al does not teach the plastic is reinforced polypropylene. Cresham discloses an inner container for a washing machine made of reinforced polypropylene. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of reinforced polypropylene as disclosed by Cresham in the container disclosed by Sharp et al to provide a container with improved wall strength made from a reinforced material known in the art.

Sharp et al and Cresham do not teach the thickness of the inner and outer walls is from 2 to 5 mm but Sharp et al does teach that the inner container has a wall thickness of 4mm or less (claim 24). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the wall thickness from 2 to 5 mm since Sharp teaches the wall thickness of the container in this range and it

has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Sharp et al and Cresham do not teach the thickness of the cavity from 20 to 150 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the thickness of the cavity from 20 to 150 mm since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

3. Regarding claims 20 and 25, Sharp et al discloses the invention of claim 18 except for the plastic being reinforced and being polypropylene. Cresham discloses an inner container for a washing machine made of reinforced polypropylene. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of reinforced polypropylene as disclosed by Cresham in the container disclosed by Sharp et al to provide a container with improved wall strength made from a reinforced material known in the art.

4. Regarding claims 15, 26 and 32, Cresham discloses the reinforcing materials comprise 20%-30% by weight of the polypropylene. It would have been obvious to one of ordinary skill in the art to use the polypropylene composition as disclosed by Cresham.

5. Claims 5, 6, 21, 22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp et al, or Sharp et al and Cresham, in view of Ebert et al (DE 197 22 339 A, December 3, 1998) (Ebert). Sharp et al or Sharp et al and Cresham disclose the claimed invention except for the use of a laminate made from a decorative

layer and a heat cured layer applied to the inner and outer walls. Ebert discloses the use of a laminate made from a decorative layer and a heat cured layer applied to polypropylene to provide high temperature resistance, high moisture resistance and better strength. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a laminate made from a decorative layer and a heat cured layer applied to the inner and outer polypropylene walls as disclosed by Ebert in the container disclosed by Cresham to provide high temperature resistance, high moisture resistance and better strength.

6. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durazzani, of record, in view of Sharp et al.

Durazzani discloses a drum shaped inner container for use in a washing machine (1, Figure 1, column 3, lines 4-15) with an inner wall (4) and an outer wall (the outermost wall of 9) made of plastic. The walls are joined with a shear resistant connection (11, column 3, lines 25-31). The cavity (7) between the inner and outer walls contains a filler, concrete (column 3, lines 13-15).

Durazzani does not teach the thickness of the inner and outer walls is from 2 to 5 mm but Sharp et al does teach that the inner container has a wall thickness of 4mm or less (claim 24). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the wall thickness of Durazzani from 2 to 5 mm since Sharp et al teaches the wall thickness of the container in this range and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Durazzani does not teach the thickness of the cavity of Durazzani from 20 to 150 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the thickness of the cavity from 20 to 150 mm since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

7. Claims 1-3, 7, 14, 15, 20, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durazzani in view of Cresham and Sharp et al.

Regarding claims 1-3, 7, 14, 20 and 25, Durazzani discloses a drum shaped inner container for use in a washing machine (1, Figure 1, column 3, lines 4-15) with an inner wall (4) and an outer wall (the outermost wall of 9) made of plastic. The walls are joined with a shear resistant connection (11 column 3, lines 25-31). The cavity (7) between the inner and outer walls contains a filler, concrete (column 3, lines 13-15). Durazzani does not teach the plastic is reinforced polypropylene. Cresham discloses an inner container for a washing machine made of reinforced polypropylene. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of reinforced polypropylene as disclosed by Cresham in the container disclosed by Durazzani to provide a container with improved wall strength made from a reinforced material known in the art.

Durazzani and Cresham do not teach the thickness of the inner and outer walls is from 2 to 5 mm but Sharp et al does teach that the inner container has a wall thickness of 4mm or less (claim 24). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the wall thickness of Durazzani

from 2 to 5 mm since Sharp et al teaches the wall thickness of the container in this range and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Durazzani Cresham and Sharp et al do not teach the thickness of the cavity from 20 to 150 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the thickness of the cavity of Durazzani from 20 to 150 mm since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

8. Regarding claims 15, and 26, Cresham discloses the reinforcing materials comprise 20%-30% by weight of the polypropylene. It would have been obvious to one of ordinary skill in the art to use the polypropylene composition as disclosed by Cresham.

9. Claims 5, 6, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durazzani and Sharp et al, or Durazzani, Sharp et al and Cresham in view of Ebert et al (DE 197 22 339 A, December 3, 1998) (Ebert). Durazzani and Cresham disclose the claimed invention but do not teach the use of a laminate made from a decorative layer and a heat cured layer applied to the inner and outer walls. Ebert discloses the use of a laminate made from a decorative layer and a heat cured layer applied to polypropylene to provide high temperature resistance, high moisture resistance and better strength. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to have incorporated the use of a laminate made from a decorative layer and a heat cured layer applied to the inner and outer polypropylene walls as disclosed by Ebert in the container disclosed by Durazzani and Cresham to provide high temperature resistance, high moisture resistance and better strength.

10. Claims 28, 29 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durazzani in view of Cresham.

Regarding claims 28, 29, 31 and 33, Durazzani discloses a drum shaped inner container for use in a washing machine (1, Figure 1, column 3, lines 4-15) with an inner wall (4) and an outer wall (the outermost wall of 9) made of plastic. The walls are joined with a shear resistant connection (10, 12, column 3, lines 25-31). The cavity (7) between the inner and outer walls contains a filler, concrete (column 3, lines 13-15). Durazzani does not teach the plastic is reinforced polypropylene. Cresham discloses an inner container for a washing machine made of reinforced polypropylene. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of reinforced polypropylene as disclosed by Cresham in the container disclosed by Durazzani to provide a container with improved wall strength made from a reinforced material known in the art.

11. Regarding claim 32, Cresham discloses the reinforcing materials comprise 20%-30% by weight of the polypropylene. It would have been obvious to one of ordinary skill in the art to use the polypropylene composition as disclosed by Cresham.

12. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Durazzani and Cresham in view of Ebert et al (DE 197 22 339 A, December 3, 1998) (Ebert). Durazzani and Cresham disclose the claimed invention but do not teach the use of a laminate made from a decorative layer and a heat cured layer applied to the inner and outer walls. Ebert discloses the use of a laminate made from a decorative layer and a heat cured layer applied to polypropylene to provide high temperature resistance, high moisture resistance and better strength. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a laminate made from a decorative layer and a heat cured layer applied to the inner and outer polypropylene walls as disclosed by Ebert in the container disclosed by Durazzani and Cresham to provide high temperature resistance, high moisture resistance and better strength.

Response to Arguments

Applicant's arguments with respect to Durazzani have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claims rejected as anticipated by Cresham have been fully considered and are persuasive in view of the amendment filed February 2, 2006.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-

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4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nathan Newhouse
Supervisory Patent Examiner
Art Unit 3727

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